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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,294	11/02/2001	Sandra M. Troian	4555-110 US	9407
75	90 09/08/2003			
Mathews, Collins, Shepherd & Gould, P.A.			EXAMINER	
Suite 306 100 Thanet Circle			CHAMBERS, A MICHAEL	
Princeton, NJ 08540			ART UNIT	PAPER NUMBER
			3753	7
			DATE MAILED: 09/08/2003	1

Please find below and/or attached an Office communication concerning this application or proceeding.

		· · · · · · · · · · · · · · · · · · ·				
• •	Application No.	Applicant(s)				
Office Action Summan	10/016,294	TROIAN ET AL.				
Office Action Summary	Examiner	Art Unit				
Ti MAN INO DATE Albia commissation and	A. Michael Chambers	3753				
The MAILING DATE of this communication appreciation for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on	<u> </u>					
2a) This action is FINAL. 2b) ⊠ Thi	s action is non-final.					
3) Since this application is in condition for allowa closed in accordance with the practice under the secondary of the second						
Disposition of Claims	Ex paire Quayle, 1955 O.D. 11, 4	700 O.O. 210.				
4) Claim(s) is/are pending in the application	on.					
4a) Of the above claim(s) is/are withdraw	vn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-101 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
<del></del>						
Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
	s have been received					
<ul><li>1. Certified copies of the priority documents</li><li>2. Certified copies of the priority documents</li></ul>		on No				
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
<ul> <li>a)  The translation of the foreign language pro</li> <li>15)  Acknowledgment is made of a claim for domesti</li> </ul>						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)						
S. Patent and Trademark Office						

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

 Claims 1-92, 98, and 99, drawn to method for controlling a fluid, classified in class 137, subclass 828.

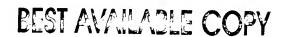
II. Claims 93-97, 100, and 101, drawn to a method for forming a hydrophobic or hydrophillic surface including the steps of etching and spin coating photoresist, classified in class 156, subclass 1+.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions of the claims of Groups I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions the claims of Group I are drawn to a method of controlling a fluid using a heater and the claims of Group II are drawn to a method of forming a surface.

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to on to request an oral election to the above restriction requirement, but did not result in an election being made

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).



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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the

fee required under 37 CFR 1.17(I).

6. Any inquiry concerning this communication or earlier communications from the Examiner

should be directed to A. Michael Chambers whose telephone number is 703-308-1016. The

Examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.(FAX 703-308-7765).

7. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's

supervisor, John Rivell can be reached on 703-308-2597. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9302 for regular

communications and 703-872-9303 for After Final communications.

A. MICHAEL **CHAMBE**RS PRIMARY EXAMINER ART UNIT 3753

amc

September 8, 2003

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